

# EXHIBIT 33

**From:** [O'Brien, Marcia \(MDE\)](#)  
**To:** [Collier, Kristina \(MDE\)](#)  
**Subject:** RE: Complaint CAP question  
**Date:** Thursday, November 5, 2020 10:07:06 AM  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image003.png](#)

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Oh my gosh. I thoroughly read this when she sent it also. Losing my mind.

Sincerely,

*Marcia O'Brien, Ed.S.*  
State Complaint Coordinator  
Office of Special Education  
608 West Allegan Street  
Lansing, MI 48909  
(517) 241-7507  
[OBrienM6@michigan.gov](mailto:OBrienM6@michigan.gov)



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**From:** Collier, Kristina (MDE) <[CollierK1@michigan.gov](mailto:CollierK1@michigan.gov)>  
**Sent:** Thursday, November 5, 2020 10:06 AM  
**To:** O'Brien, Marcia (MDE) <[OBrienM6@michigan.gov](mailto:OBrienM6@michigan.gov)>  
**Subject:** FW: Complaint CAP question

Rebecca's response

*Kristina Collier*  
Coach and Training Coordinator  
Michigan Department of Education  
Office of Special Education  
**P:** [517-335-0442](tel:517-335-0442)  
**F:** [517-241-7141](tel:517-241-7141)  
**E:** [CollierK1@michigan.gov](mailto:CollierK1@michigan.gov)  
**A:** 608 West Allegan Street, Lansing, MI 48933  




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**From:** McIntyre, Rebecca (MDE) <[McIntyreR1@michigan.gov](mailto:McIntyreR1@michigan.gov)>

**Sent:** Tuesday, November 3, 2020 1:30 PM

**To:** O'Brien, Marcia (MDE) <[OBrienM6@michigan.gov](mailto:OBrienM6@michigan.gov)>; Collier, Kristina (MDE) <[CollierK1@michigan.gov](mailto:CollierK1@michigan.gov)>

**Subject:** RE: Complaint CAP question

I would say with a complaint CAP, the aspect of child find which must be verified will depend on the the final decision. What were the issues specifically that resulted in identified noncompliance? If we determined an evaluation was not comprehensive then when doing a file review the ISD would need to look in the file and determine whether the evaluations for the 8 students were comprehensive. If the complaint identified they didn't use a variety of tools, or they did have a basis of knowledge then that is what would be verified.

This is very specific to us and again we understand our work best and so think we need to take this back. I emailed Jessica with my proposal and asked to talk with her about it this week.

Rebecca McIntyre, Supervisor  
Office of Special Education  
Michigan Department of Education  
517-290-6430



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**From:** O'Brien, Marcia (MDE) <[OBrienM6@michigan.gov](mailto:OBrienM6@michigan.gov)>

**Sent:** Thursday, October 29, 2020 11:28 AM

**To:** Collier, Kristina (MDE) <[CollierK1@michigan.gov](mailto:CollierK1@michigan.gov)>; McIntyre, Rebecca (MDE) <[McIntyreR1@michigan.gov](mailto:McIntyreR1@michigan.gov)>

**Subject:** RE: Complaint CAP question

Sorry I'm pulling you in to yet another thing, Rebecca, but the question below is from Lynn Delpy and two of the complaints she is referring to (19-0188 and 19-0189) are Kalamazoo Public CAP close out questions. For 19-0188, the District submitted on 9/28 and then again on 10/13 – it was due from the District 9/1. The ISD (Tori Wentela) submitted for closeout on 10/27/20 – it was really due from the ISD 10/1, but of course they didn't have it yet from the district. This is an example of issues with

the timeline. Our final decision went out November 8, 2019, but the CAP was not created until 12/11/19, which makes me think our CAP team (Lynn Delpy) would not consider requesting an UNC until 13 months after the final decision was issued.

What's more is these are George White complaints. As we have SO much history of issues with Kalamazoo, I would say we need to expect more, not less of the district, when reviewing child find documents. So when she asks the following, my gut would be to say if the evaluation was not comprehensive – we would not accept it as a verification that child find obligations were met.

The ISDs are wondering if when closing out are they looking for documentation that Child Find obligations mean the district followed the child find procedures correctly whether or not they found the student eligible or does it include that during the evaluation did the district complete the evaluations correctly in order to find the student eligible? There is concern that a district did evaluate but did not do a comprehensive evaluation thus not finding the student eligible when it appears student should have been.

Ugh. Not sure what the issue is specifically with 19-0203, which was against West MI Academy of Environmental Science.

Sincerely,

*Marcia O'Brien, Ed.S.*  
State Complaint Coordinator  
Office of Special Education  
608 West Allegan Street  
Lansing, MI 48909  
(517) 241-7507  
[OBrienM6@michigan.gov](mailto:OBrienM6@michigan.gov)



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**From:** Collier, Kristina (MDE) <[CollierK1@michigan.gov](mailto:CollierK1@michigan.gov)>

**Sent:** Wednesday, October 28, 2020 2:52 PM

**To:** O'Brien, Marcia (MDE) <[OBrienM6@michigan.gov](mailto:OBrienM6@michigan.gov)>

**Subject:** FW: Complaint CAP question

*Kristina Collier*  
Coach and Training Coordinator  
Michigan Department of Education  
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**From:** Delpy, Lynn (MDE-Contractor) <[DelpyL@michigan.gov](mailto:DelpyL@michigan.gov)>

**Sent:** Wednesday, October 28, 2020 1:58 PM

**To:** Collier, Kristina (MDE) <[CollierK1@michigan.gov](mailto:CollierK1@michigan.gov)>

**Subject:** Complaint CAP question

Hello Kristina,

There is a question I have been asked about the child find CAPs. The ISDs are wondering if when closing out are they looking for documentation that Child Find obligations mean the district followed the child find procedures correctly whether or not they found the student eligible or does it include that during the evaluation did the district complete the evaluations correctly in order to find the student eligible? There is concern that a district did evaluate but did not do a comprehensive evaluation thus not finding the student eligible when it appears student should have been.

FYI it is with Two different ISD/Districts similar CAPs 19-0188 & 19-0189 and 19-0203

I just want to give them advice on what they should be looking for when reviewing student files since they are asking.

(The District fulfills its ongoing child find obligation to identify, locate and evaluate students who are suspected of having a disability and in need of special education.) (Affording the Student the procedural safeguards contained in the IDEA's discipline provisions for students not determined eligible for special education.) ( Not suspecting the Student might be a student with a disability and in need of special education.)

Thank you,

**Lynn Delpy**

Statewide Monitor

Michigan Department of Education

Office of Special Education

Performance Reporting Unit

Cell: 810-338-2483

[delpyl@michigan.gov](mailto:delpyl@michigan.gov)



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